

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In Re:	:	Bankruptcy No. 20-22932-GLT
	:	
JOSEPH WILLIAM BOYD	:	Chapter 7
TINA MARIE BOYD	:	
<i>Debtor</i>	:	
	:	
Natalie Lutz Cardiello, Trustee	:	
Movant	:	
	:	
v.	:	
	:	
JOSEPH WILLIAM BOYD	:	
TINA MARIE BOYD	:	
Respondent(s)	:	

**TRUSTEE’S MOTION TO DISMISS WITH PREJUDICE**

AND NOW comes Natalie Lutz Cardiello, Chapter 7 Trustee for the Estate of the above named Debtor, and respectfully moves this Honorable Court for an Order dismissing the above-referenced case with prejudice, and in support thereof avers as follows:

1. Movant is the duly appointed, qualified and acting Trustee in this case.
2. The Trustee is seeking the dismissal of this matter with prejudice pursuant to 11 U.S.C. §707(a).
3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§1334 and 157(a) and the Standing Order of Reference of Bankruptcy Cases and Proceedings dated October 16, 1984.
4. This matter is a core proceeding under 28 U.S.C. §157(b)(2)(A).
5. Joseph William Boyd and Tina Marie Boyd (collectively, “Debtor” or “Debtors”) filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on October 15, 2020.
6. At the §341 Meeting of Creditors set for November 09, 2020, counsel for Debtor appeared and advised that Debtor Joseph William Boyd was not available to attend the meeting, and requested that the meeting be continued to the next available date. The Trustee continued the meeting to December 14, 2020.
7. On December 14, 2020, the Debtors appeared at the 341 Meeting as did David Berry (“Mr. Berry”) of the Office of the United States Trustee (“US Trustee”). The Debtors testified as to various matters that were inconsistent with the Petition, Schedules and the Statement of Financial Affairs filed with the Court. Both the Trustee and Mr. Berry requested additional documentation regarding these matters.

8. Despite numerous request from the Trustee and the US Trustee, only limited documentation was provided<sup>1</sup>.

9. On or about July 8, 2021, the Trustee was notified by Debtors' counsel that counsel no longer represented the Debtor, at which time the Trustee promptly sent a letter to Debtor requesting that the Debtor provide the name and telephone number for new counsel. On that same date the US Trustee filed a Complaint for Denial of Discharge under § 727. The Debtor failed to respond and on August 12, 2021, the US Trustee filed a Motion for Default Judgment, which motion was granted on August 31, 2021.

10. On July 9, 2021, Counsel for Debtor filed a Motion to Withdraw as Attorney. The Debtor did not appear at the hearing scheduled for August 5, 2021, and the Court continued the hearing to August 18, 2021, directing Debtor to appear at same. Once again, Debtor did not appear.

11. On July 27, 2021, the Trustee sent a second letter to Debtor requesting contact information for new counsel. The Trustee advised the Debtor that, if a response was not forthcoming, she would be required to file a motion to compel production of the requested documentation or a motion to dismiss with prejudice. The Trustee received no response.

12. It has now been almost ten (10) months since the Meeting of Creditors was held, and the Debtor has continually failed to cooperate with the Trustee by providing the documentation requested by the Trustee and the US Trustee.

13. The failure of the Debtor to cooperate with the Trustee and the US Trustee has resulted in an unreasonable delay by the Debtor that is prejudicial to creditors.

WHEREFORE, the Trustee requests that this matter be dismissed **WITH PREJUDICE**.

Dated: October 1, 2021

Respectfully submitted,

/s/Natalie Lutz Cardiello  
Natalie Lutz Cardiello, Esquire  
PA ID 51296  
107 Huron Drive  
Carnegie, PA 15106  
(412) 276-4043  
[ncardiello@cardiello-law.com](mailto:ncardiello@cardiello-law.com)

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<sup>1</sup> The Complaint for Denial of Discharge Under 11 U.S.C. § 727 filed by the US Trustee at Adversary Proceeding No. 21-02068 [Doc. 3] sets forth at length the documentation requested by the Trustee and the US Trustee.